

# Memorandum

**To:** Siting Committee  
**From:** Roberta Mendonca, Public Adviser  
**Date:** 7/23/01  
**Re:** **Public Adviser's Response to Committee's Initial Draft Modifications to the Siting Regulations**

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The Public Adviser objects to the Committee's proposed modification to the rules of evidence contained in Section 1212(b), (c), and (e) because:

- 1) The Committee changes are unnecessary as the presiding member already has discretion to manage evidentiary hearings.
- 2) The decision-makers should not limit evidence nor public input to - in effect - "hear only that which supports what they want to hear."
- 3) The use of informal hearing procedures to assist "the parties" seems to miss the point of simplifying the process for the public.

The Public Adviser objects to the Committee's proposed modification to the noticing requirements contained in Section 1710(h) because:

- 4) The Committee changes undermine the intent of Section 1710. Without proper notice of hearings, workshops and conferences, meaningful public participation would cease to exist.
- 5) The staff would have the additional burden of recording and docketing any communication between staff and any other party.
- 6) The public would then have no notice or opportunity to comment. The public would have the additional burden of discovering the written communication - following the docket log, requesting and paying for a copy of the communication.

The Public Adviser opposes the changes to 1710(a).

The Public Adviser opposes the Committee modification to Section 1712(b) because the change is confusing.

The Public Adviser opposes the Committee modification suggested for 1714.5(d) because the change would inappropriately limit staff's analysis.